

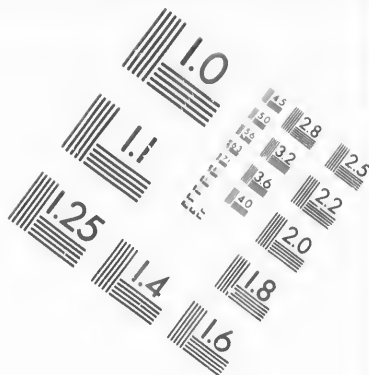
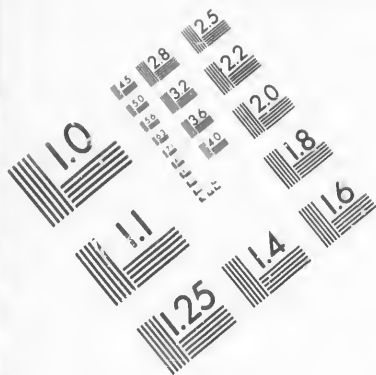
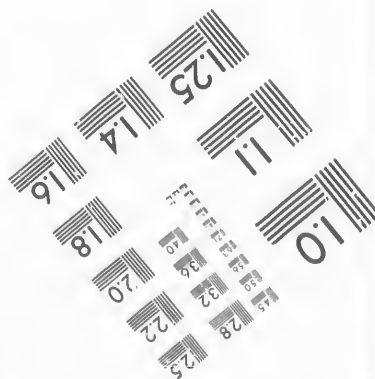
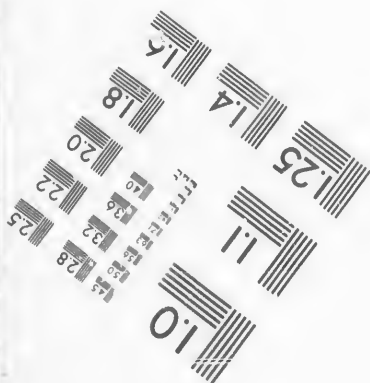
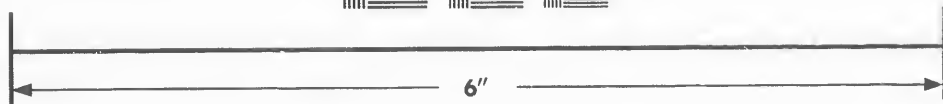
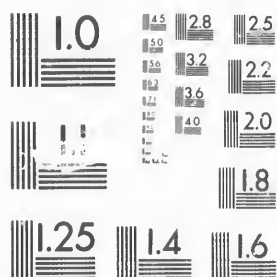


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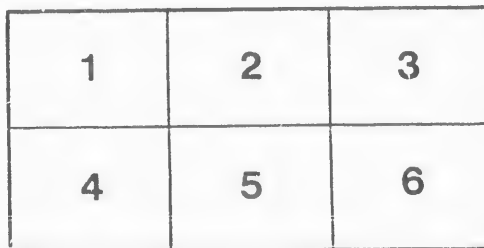
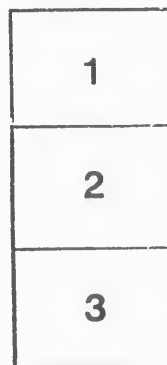
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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

In relation to the adjustment of the Northeastern Boundary.

JUNE 29, 1840.

Referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate:

The importance of the subject to the tranquillity of our country makes it proper that I should communicate to the Senate, in addition to the information heretofore transmitted in reply to their resolution of the 17th of January last, the copy of a letter just received from Mr. Fox, announcing the determination of the British Government to consent to the principles of our last proposition for the settlement of the question of the northeastern boundary, with a copy of the answer made to it by the Secretary of State. I cannot doubt that, with the sincere disposition which actuates both Governments to prevent any other than an amicable termination of the controversy, it will be found practicable so to arrange the details of a conventional agreement on the principles alluded to, as to effect that object.

The British commissioners, in their report communicated by Mr. Fox, express an opinion that the true line of the treaty of 1783 is materially different from that so long contended for by Great Britain. The report is altogether *ex parte* in its character, and has not yet, as far as we are informed, been adopted by the British Government. It has, however, assumed a form sufficiently authentic and important to justify the belief that it is to be used hereafter by the British Government in the discussion of the question of boundary; and, as it differs essentially from the line claimed by the United States, an immediate preparatory exploration and survey on our part, by commissioners appointed for that purpose, of the portions of the territory therein more particularly brought into view, would, in my opinion, be proper. If Congress concur with me in this view of the subject, a provision by them to enable the Executive to carry it into effect will be necessary.

M. VAN BUREN.

WASHINGTON, June 27, 1840.

Mr. Fox to Mr. Forsyth.

WASHINGTON, June 22, 1840.

The undersigned, her Britannic Majesty's envoy extraordinary and minister plenipotentiary, has the honor to transmit to the Secretary of State of the United States, by order of his Government, the accompanying print—
Blair & Rives, printers.

ed copies of a report and map which have been presented to her Majesty's Government by Colonel Mudge and Mr. Featherstonhaugh, the commissioners employed during the last season to survey the disputed territory.

The undersigned is instructed to say that it will, of course, have become the duty of her Majesty's Government to lay the said report and map before Parliament; but her Majesty's Government have been desirous, as a mark of courtesy and consideration towards the Government of the United States, that documents bearing upon a question of so much interest and importance to the two countries should, in the first instance, be communicated to the President. The documents had been officially placed in the hands of her Majesty's Government only a few days previously to the date of the instruction addressed to the undersigned.

Her Majesty's Government feel an unabated desire to bring the long pending questions connected with the boundary between the United States and the British possessions in North America to a final and satisfactory settlement; being well aware that questions of this nature, as long as they remain open between two countries, must be the source of frequent irritation on both sides, and are liable at any moment to lead to events that may endanger the existence of friendly relations.

It is obvious that the questions at issue between Great Britain and the United States must be beset with various and really existing difficulties, or else those questions would not have remained open ever since the year 1783, notwithstanding the frequent and earnest endeavors made by each Government to bring them to an adjustment; but her Majesty's Government do not relinquish the hope that the sincere desire which is felt by both parties to arrive at an amicable settlement will at length be attended with success.

The best clew to guide the two Governments in their future proceedings may perhaps be obtained by an examination of the causes of past failure; and the most prominent amongst these causes has certainly been a want of correct information as to the topographical features and physical character of the district in dispute.

This want of adequate information may be traced as one of the difficulties which embarrassed the Netherlands Government in its endeavors to decide the points submitted to its arbitration in 1830. The same has been felt by the Government in England; it has been felt and admitted by the Government of the United States, and even by the local Government of the contiguous State of Maine.

The British Government and the Government of the United States agreed, therefore, two years ago, that a survey of the disputed territory, by a joint commission, would be the measure best calculated to elucidate and solve the questions at issue. The President proposed such a commission, and her Majesty's Government consented to it; and it was believed by her Majesty's Government that the general principles upon which the commission was to be guided in its local operations had been settled by mutual agreement, arrived at by means of a correspondence which took place between the two Governments in 1837 and 1838. Her Majesty's Government accordingly transmitted, in April of last year, for the consideration of the President, the draught of a convention to regulate the proceedings of the proposed commission. The preamble of that draught recited textually the agreement that had been come to by means of notes which had been exchanged between the two Governments; and the articles of the draught

were framed, as her Majesty's Government considered, in strict conformity with that agreement.

But the Government of the United States did not think proper to assent to the convention so proposed.

The United States Government did not, indeed, allege that the proposed convention was at variance with the result of the previous correspondence between the two Governments; but it thought that the convention would establish a commission of "mere exploration and survey;" and the President was of opinion that the step next to be taken by the two Governments should be to contract stipulations, bearing upon the face of them the promise of a final settlement, under some form or other, and within a reasonable time.

The United States Government accordingly transmitted to the undersigned, for communication to her Majesty's Government, in the month of July last, a counter-draught of convention, varying considerably in some parts (as the Secretary of State of the United States admitted, in his letter to the undersigned of the 29th of July last) from the draught proposed by Great Britain. But the Secretary of State added, that the United States Government did not deem it necessary to comment upon the alterations so made, as the text itself of the counter-draught would be found sufficiently perspicuous.

Her Majesty's Government might certainly well have expected that some reasons would have been given to explain why the United States Government declined to confirm an arrangement which was founded upon propositions made by that Government itself, and upon modifications to which that Government had agreed; or, that if the American Government thought the draught of convention thus proposed was not in conformity with the previous agreement, it would have pointed out in what respect the two were considered to differ.

Her Majesty's Government, considering the present state of the boundary question, concur with the Government of the United States in thinking that it is, on every account, expedient that the next measure to be adopted by the two Governments should contain arrangements which will necessarily lead to a final settlement; and they think that the convention which they proposed last year to the President, instead of being framed so as to constitute a mere commission of exploration and survey, did, on the contrary, contain stipulations calculated to lead to the final ascertainment of the boundary between the two countries.

There was, however, undoubtedly, one essential difference between the British draught and the American counter-draught. The British draught contained no provision embodying the principle of arbitration. The American counter-draught did contain such a provision.

The British draught contained no provision for arbitration, because the principle of arbitration had not been proposed on either side during the negotiations upon which that draught was founded; and because, moreover, it was understood, at that time, that the principle of arbitration would be decidedly objected to by the United States.

But as the United States Government have now expressed a wish to embody the principle of arbitration in the proposed convention, her Majesty's Government are perfectly willing to accede to that wish.

The undersigned is accordingly instructed to state, officially, to Mr. Forsyth, that her Majesty's Government consent to the two principles which form

the main foundation of the American counter-draught, namely: first, that the commission to be appointed shall be so constituted as necessarily to lead to a final settlement of the questions of boundary at issue between the two countries; and, secondly, that, in order to secure such a result, the convention by which the commission is to be created shall contain a provision for arbitration upon points as to which the British and American commissioners may not be able to agree.

The undersigned is, however, instructed to add, that there are many matters of detail in the American counter-draught which her Majesty's Government cannot adopt. The undersigned will be furnished from his Government, by an early opportunity, with an amended draught, in conformity with the principles above stated, to be submitted to the consideration of the President. And the undersigned expects to be at the same time furnished with instructions to propose to the Government of the United States a fresh, local, and temporary convention, for the better prevention of incidental border collisions within the disputed territory during the time that may be occupied in carrying through the operations of survey or arbitration.

The undersigned avails himself of this occasion to renew to the Secretary of State the assurance of his distinguished consideration.

HON. JOHN FORSYTH, &c. &c. &c.

H. S. FOX.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, June 26, 1840.

The undersigned, Secretary of State of the United States, has had the honor to receive a note addressed to him on the 22d instant by Mr. Fox, envoy extraordinary and minister plenipotentiary of Great Britain, enclosing printed copies of the report and map laid before the British Government by the commissioners employed during the last season to survey the territory in dispute between the two countries, and communicating the consent of her Britannic Majesty's Government to the two principles which form the main foundation of the counter proposition of the United States for the adjustment of the question.

The undersigned, having laid Mr. Fox's note before the President, is instructed to say, in answer, that the President duly appreciates the motives of courtesy which prompted the British Government to communicate to that of the United States the documents referred to; and that he derives great satisfaction from the announcement that her Majesty's Government do not relinquish the hope that the sincere desire which is felt by both parties to arrive at an amicable settlement will at length be attended with success; and from the prospect held out by Mr. Fox of his being accordingly furnished, by an early opportunity, with the draught of a proposition, amended in conformity with the principles to which her Majesty's Government has acceded, to be submitted to the consideration of this Government.

Mr. Fox states that his Government might have expected that, when the American counter-draught was communicated to him, some reasons would have been given to explain why the United States Government declined accepting the British draught of convention; or that, if it thought the draught

was not in conformity with previous agreement, it would have pointed out in what respect the two were considered to differ.

In the note which the undersigned addressed to Mr. Fox on the 29th July of last year, transmitting the American counter-draught, he stated that, in consequence of the then recent events on the frontier, and the danger of collision between the citizens and subjects of the two Governments, a mere commission of exploration and survey would be inadequate to the exigencies of the occasion, and fall behind the just expectations of the people of both countries; and referred to the importance of having the measure next adopted bear upon its face stipulations which must result in a final settlement, under some form, and in a reasonable time. These were the reasons which induced the President to introduce in the new projet the provisions which he thought calculated for the attainment of so desirable an object; and which, in his opinion, rendered obviously unnecessary any allusion to the previous agreements referred to by Mr. Fox. The President is gratified to find that a concurrence in those views has brought the minds of her Majesty's Government to a similar conclusion; and from this fresh indication of harmony in the wishes of the two cabinets, he permits himself to anticipate the most satisfactory result from the measure under consideration.

The undersigned avails himself of the opportunity to offer to Mr. Fox renewed assurances of his distinguished consideration.

JOHN FORSYTH.

H. S. Fox, Esq.,
Envoy Extraordinary, &c. &c. &c.

